

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DEREK CALDWELL,

Plaintiff,

v.

GREGORY SCHALLER, BOB WEBER,  
STAFFORD CREEK MEDICAL  
FACILITY, NORMAN GOODENOUGH,  
PAT GLEBE.

Defendants.

CASE NO. C14-5827 RBL-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Currently before the Court is plaintiff's motion asking the Court to modify the scheduling order in this action (Dkt. 29). Plaintiff asks for a four month extension of both the discovery and the dispositive motion deadlines (*id.*). Defendants oppose the motion (Dkt. 31). The Court denies plaintiff's motion based on the procedural history of this case and plaintiff's failure to inform the Court what additional discovery he believes he needs.

1 Plaintiff complains about the medical treatment he has received for an alleged injury to  
2 his right hip and lower back (Dkt. 20)(amended complaint). Plaintiff filed his action in October  
3 of 2014 (Dkt. 1). The Court granted him leave to proceed in forma pauperis and ordered service  
4 of the complaint (Dkt. 5 and 7).

5 Defendants answered the complaint on November 6, 2014 (Dkt. 10). The Court entered a  
6 scheduling order on November 7, 2014 (Dkt. 11). Plaintiff asked the Court for leave to amend  
7 his complaint (Dkt. 12). The Court granted plaintiff's motion (Dkt. 19). The Court also  
8 addressed plaintiff's request for discovery (*id.*). Thus, the record shows that plaintiff conducted  
9 discovery in this action as early as November 2014 (Dkt. 19).

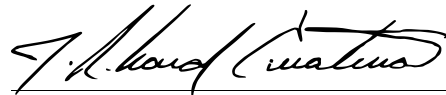
10 On December 30, 2014, defendants filed a motion for summary judgment (Dkt. 23).  
11 Defendants' motion was originally noted for January 23, 2015 (Dkt. 23). Plaintiff asked the  
12 Court for additional time to file a response (Dkt. 27). The Court granted plaintiff's motion and  
13 gave him sixty additional days to respond to defendants' motion for summary judgment (Dkt.  
14 30).

15 Plaintiff now asks the Court for a four month extension of discovery and dispositive  
16 motion deadlines (Dkt. 29). Plaintiff states that he intends to file a second amended complaint  
17 (Dkt. 29).

18 Courts "possess broad authority to regulate the conduct of discovery, and their decisions  
19 to limit discovery are reviewed for an abuse of discretion." *Century 21 Real Estate Corp. v.*  
20 *Sandlin*, 846 F.2d 1175, 1181 (citing *Barona Group of Capitan Grande Band of Mission Indians*  
21 *v. American Mgmt. & Amusement*, 824 F.2d 710, 716 (9th Cir.1987)). Plaintiff does not inform  
22 the Court what additional discovery he seeks or why amendment of the complaint is needed.  
23 Defendants' motion for summary has been pending since December 30, 2014 (Dkt. 23). The  
24

1 motion is noted for consideration on April 10, 2015. Plaintiff's response to defendants' motion  
2 for summary is due on or before March 27, 2015. Plaintiff has not shown good cause to further  
3 delay consideration of defendants' dispositive motion. The Court denies plaintiff's motion.

4 Dated this 2<sup>nd</sup> day of March, 2015.

5   
6

7 J. Richard Creatura  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24